

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY SPATAFORE, <i>Plaintiff,</i>	:	CIVIL ACTION
	:	
	:	
v.	:	
	:	
SUGARHOUSE HSP GAMING, L.P., <i>Defendant.</i>	:	NO. 23-CV-03611
	:	

ORDER

AND NOW, this **11th** day of **June 2024**, upon consideration of Defendant’s Motion for Summary Judgment (ECF No. 20), Plaintiff’s Response in Opposition (ECF No. 21), Defendant’s Reply (ECF No. 22), and Plaintiff’s Sur Reply (ECF No. 24), it is hereby **ORDERED** that Defendant’s Motion for Summary Judgment (ECF No. 20) is **GRANTED** with respect to Plaintiff’s federal claims under the Age Discrimination in Employment Act (“ADEA”) (29 U.S.C. § 621, et seq.) in Counts I and III, for the reasons stated in the Court’s Memorandum.¹ All remaining state claims under the Pennsylvania Human Rights Act (“PHRA”) (43 P.S. 951, et seq.) are **REMANDED** to the Court of Common Pleas of Philadelphia County.

The Clerk of Court is directed to close the above-captioned case.

BY THE COURT:

/s/ **Chad F. Kenney**

CHAD F. KENNEY, JUDGE

¹ As noted in the Court’s Memorandum, Plaintiff brings Count III under the ADEA, as well as under the Americans with Disabilities Act (ADA). However, there is no basis for bringing an age discrimination claim under the ADA. The Court thus assumes this claim was brought under the ADA in error.